<u>Amendments to the Drawings</u>:

The attached sheet of drawings includes changes to Figs. 1 and 3, wherein

such figures have been labeled "Prior Art".

Attachment: Replacement Sheets

REMARKS

Reconsideration of the objections to Figs. 1 and 3 as well as to Claims 1, 2 and 5 is respectfully requested in view of the foregoing amendments thereto.

Likewise, reconsideration of the rejection of Claims 1 and 5 under 35 U.S.C. §112, second paragraph, is requested based on the amendments to those claims addressed to the points raised by the Office Action. To the extent that any further issues remain in this regard, however, the Examiner is requested to contact the undersigned so that a personal interview can be scheduled in an effort to resolve such issues prior to a further written action. The same request is made concerning any remaining prior art issue in order to expedite prosecution.

The rejections of Claims 1, 4, 5 and 7 as being anticipated by Ahsbahs et al under 35 U.S.C. §102(b) and of Claims 2, 3 and 6 as being unpatentable over Ahsbahs et al in view of Haimerl et al under 35 U.S.C. §103(a), are each respectfully traversed. Reconsideration is requested based on the foregoing amendments and following comments.

Given that Claims 1 and 5 are the only independent claims and are both rejected on the Ahsbahs et al patent alone, Applicants will focus their attention upon that reference. In this connection, Applicants must point out that, to the extent the Office Action relies only upon what is disclosed by Figs. 1-6 of the Ahsbahs et al patent ("Shown in Figures 1-6") as opposed to what is clearly

disclosed, that reliance is misplaced. Irrespective of the nature of the rejection,

i.e. anticipation or obviousness, it is black letter law principle that patent

drawings cannot be relied upon for dimensions and the like as they are not to

scale. In the case of, for example, Fig. 1 of the Ahsbahs et al patent, the line

thicknesses of the curve and of the tick or scale marks would lead to errors if

trying to derive values of the mean sphere. Furthermore, the scale marks are

not set exactly at equal distances (see, for example, the liens which indicate 1

mm and 2 mm on the y-axis). One skilled in the art knowing the need to derive

precise values for the mean sphere would never look to patent drawings such as

shown in the Ahsbahs et al patent to derive those values. And Figs. 2 to 6 of that

patent fare no better in that regard.

Nor does the cited patent disclose or even suggest the claimed progressive

length which is 14 mm maximum. All that the Ahsbahs et al patent states is

that a region of far vision remains on the meridian, that region having a

substantially constant sphere, in the interval [-13, -7] (col. 6, lines 56-58), and

that the control point for near vision is located at a coordinate y=-8 mm on the

surface (col. 6, lines 46-47). Using these features and a definition of the

progressive length as being essentially the vertical distance between the far

reference point and a point essentially on the main line at which, starting from

the far reference point, the value of the effect of the eyeglass lens corresponds

the first time essentially to the near value, the minimal progressive length of the

Ahsbahs et al lens is at least 15 mm, not 14 mm or less.

Applicants must take further issue with the Office Action's assertion that

the Ahsbahs et al patent teaches:

> the increase in refractive index, starting form the
> effect of the eyeglass lens at the far reference point up
> to a point 2 millimeters below the centering point
> amounts to less than 10% of the addition...

As above noted, that cannot be fairly derived from only Figures 1-6 of the cited

patent. All that the Ahsbahs et al patent specifically discloses in that regard for

purposes of a *prima facie* case of anticipation is found at col. 7, lines 30 to 33:

> preferably, the difference between the sphere at the
> mounting center and the sphere at the reference point
> for far vision is less than or equal to 0.25 diopters, or
> even to 0.15 diopters

Given that the Ahsbahs et al lens has an addition of 1.5 diopters (col. 6,

line 63), there is an increase in the sphere at the mounting center of 10% of that

addition. Because the value of the sphere further increases when further

proceeding from the centering point to the near reference point, the sphere at a

point 2 mm below the centering point cannot be less than 10% of the addition,

but must amount to more than 10% of the addition, contrary to what the Office

Action asserts.

The Office Action is incorrect in stating that the Ahsbahs et al patent

discloses a main progressive length having a 10 mm maximum. All that is

discloses in this regard is that L has a value of 7.64 mm (col, 6, lines 66 and 67), but the value of L is based on values of the mean sphere in a region surrounding the meridian (see, e.g. col. 5, lines 48 to 52 and col. 5, lines 22 to 31). There is no suggestion whatsoever that the point where the maximum of the mean sphere gradient occurs (x=0.5 mm and y=1.5 mm) is located on the meridian.

The cited prior art does not disclose the maximum slope claimed in this case, the maximum slope of the refractive index being calculated from the values of the slope of the refractive index on the main line. The claimed maximum slope is a maximum slope that occurs on the main line, and not in a region surrounding the meridian.

Furthermore, Applicants wish to point out, the calculation of L in the Ahsbahs et al lens is based on S_{max}-S_{min}, wherein S_{max}-S_{min} is also calculated based on values within the above-mentioned region surrounding the meridian. S_{max}-S_{min} is 1.53 diopters (col. 6, lines 63 to 64) and clearly is not equal to the addition of 1.5 diopters (col. 6, line 63). In contrast, the main progressive length of the present invention is calculated based on the addition. The main progressive length claimed herein cannot be derived from Ahsbahs et al's L value because the latter provides no basis for deriving specific values on the main line.

Finally, as to the irrelevance of the Ahsbahs et al patent either for purposes of anticipation or as a basis for obviousness in combination with the Haimerl et al publication, even if one assumes that Figures 1 and 2 of that

patent would be a sufficient foundational basis for such rejection, the increase in sphere at a point 2 mm below the centering point is more than 02. diopters (i.e., more than 10% of the addition).

Once again assuming, solely for argument's sake that the Haimerl et al teachings would have been combinable with those of Ahsbahs et al, the former would have added nothing more in terms of the claimed features in this application, which features provide an individual lens with improved properties not attained by the prior art. The claimed invention differs quantitatively and qualitatively from the Ahsbahs et al progressive lens because the optimization of the eyeglass lens relies on very different parameters, the optimization parameters having an important impact on the efficiency and accuracy of both the lens optimization and manufacturing processes.
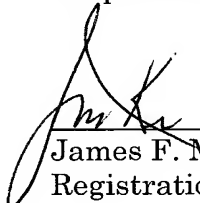
Accordingly, the Office Action does not set forth a *prima facie* case of anticipation and/or obviousness based on Ahsbahs et al or Haimerl et al. Therefore, early and favorable action is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as

a petition for an Extension of Time sufficient to effect a timely response, and

please charge any deficiency in fees or credit any overpayments to Deposit

Account No. 05-1323 (Docket # 100341.57627US).

Respectfully submitted,

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